



Claire McCaskill

Missouri State Auditor

February 2006

ADMINISTRATION

Review of Article X,
Sections 16 Through 24,
Constitution of Missouri

Year Ended June 30, 2005



Office Of
Missouri State Auditor
Claire McCaskill

February 2006

The following is a review conducted by our office of Article X, Sections 16 through 24, Constitution of Missouri.

On November 4, 1980, the voters of Missouri passed Constitutional Amendment No. 5, which added Article X, Sections 16 through 24 to the Constitution of Missouri. The amendment, commonly referred to as the Hancock Amendment, requires that no greater portion of Missourians' personal income be used in any future year to fund state government than was the case in fiscal year 1981, except as authorized by a vote of the people.

The State Auditor's Office performs a review of the state's compliance with the provisions of the Hancock Amendment to verify the accuracy of the revenue limit computation performed by the Office of Administration, Division of Budget and Planning (OA-BP). The auditor's review agreed with the OA-BP that no refund is due to taxpayers for the year ended June 30, 2005.

Total state revenue was calculated at \$8.1 billion, while the refund threshold was calculated at \$9.6 billion, which means state revenue was under the revenue limit by \$1.5 billion for the year ended June 30, 2005.

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YELLOW SHEET

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
CONSTITUTION OF MISSOURI

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STATE AUDITOR'S REPORT



CLAIRE C. McCASKILL
Missouri State Auditor

Honorable Matt Blunt, Governor
and
Members of the General Assembly
and
Michael Keathley Commissioner
Office of Administration
Jefferson City, MO 65102

We have conducted a review of revenues of the state of Missouri for the year ended June 30, 2005, and the application to those revenues of Article X, Sections 16 through 24, of the Constitution of Missouri, more commonly referred to as the Hancock Amendment (included as an Appendix). We had previously reported on revenues of the state for the years ended June 30, 1982 through 2004. The amendment, which was adopted by the voters of Missouri on November 4, 1980, limits the growth of state revenues collected in any fiscal year. The objectives of this review were to:

1. Evaluate the formula to calculate the state's revenue limit.
2. Determine the specific items included in total state revenues.
3. Verify the accuracy of the revenue limit computation and compare that limit to total state revenues.
4. Review the state's overall compliance with the provisions of the amendment.

Our review included only the application of the revenue limit to state revenues and, accordingly, did not include a review of the effects of the amendment on any local governmental unit.

Our methodology to accomplish these objectives included discussions with personnel of the Office of Administration, Division of Budget and Planning, inspecting relevant records and reports compiled by that office, and reviewing reports from the statewide accounting system. We reviewed this information to the extent necessary to satisfy ourselves that the following Exhibits are fairly stated in all material respects.

The following Executive Summary and the Background, Methodology, and Conclusions present our comments, findings, and conclusions concerning the state's overall compliance with the provisions of Article X, Sections 16 through 24, of the Constitution of Missouri.

A handwritten signature in black ink that reads "Claire McCaskill". The signature is fluid and cursive, with the first name "Claire" written in a larger, more prominent script than the last name "McCaskill".

Claire McCaskill
State Auditor

January 24, 2006 (fieldwork completion date)

The following auditors participated in the preparation of this report:

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EXECUTIVE SUMMARY

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
CONSTITUTION OF MISSOURI
EXECUTIVE SUMMARY

On November 4, 1980, the voters of Missouri passed Constitutional Amendment No. 5 which added Article X, Sections 16 through 24 to the Constitution of Missouri. The amendment, commonly referred to as the Hancock Amendment, requires that no greater portion of Missourians' personal income (MPI) be used in any future year to fund state government than was the case in fiscal year 1981, except as authorized by a vote of the people.

Exhibit A presents a summary of the calculations of limited total state revenue (TSR) for the years ended June 30, 2005, 2004, 2003, 2002, and 2001. The results of our review determined that for the year ended June 30, 2005, TSR was approximately \$1.55 billion under the refund threshold. As a result, no refund is due for the year ended June 30, 2005.

On January 27, 1998, the Missouri Supreme Court entered a final decision in Kelly v. Hanson, et. al., 959 S.W. 2d 107 (Mo. 1998). This decision determined that taxes and other funds collected by the state may not be considered revenue in the context of TSR unless they meet a two-part test derived from an earlier judicial definition of revenue: (1) the funds must be received into the state treasury; and (2) the funds must be subject to appropriation. Thus, the Hancock Amendment presents unique financial related legal requirements that must be taken into consideration. The items that the Supreme Court specifically ruled on are as follows:

1. The Federal Reimbursement Allowance and the Nursing Facility Reimbursement Allowance tax imposed by the state to pay the state's share of the costs of the Medicaid program is collected by an offset against Medicaid claims and is not directly deposited in the state treasury. As a result, this revenue is not included in TSR.
2. The local use tax imposed by the state under Section 144.748, RSMo, until repealed on May 21, 1996, and distributed to local government is not deposited in the state treasury and is not appropriated. As a result, this revenue is not included in TSR.
3. Revenue from one dollar of a state imposed two dollar admission fee to gaming riverboats is remitted to the "home dock city or county" and is not deposited in the state treasury. As a result, this revenue is not included in TSR.
4. Ten percent of the revenue for an adjusted gross receipts tax imposed by the state on gaming riverboats is remitted to the "home dock city or county" and is not deposited in the state treasury. As a result, this revenue is not included in TSR.
5. An adjustment to the revenue limit related to the state assuming certain judicial clerk salaries is appropriate.

On November 24, 1998, the Missouri Court of Appeals, Western District entered a final decision in Kelly v. Hanson, et. al., 984 S.W. 2d 540 (Mo. 1998). The Missouri Court of Appeals, Western District ruled that revenue from the one dollar of the state imposed two dollar admission fee to gaming riverboats is not included in TSR while the revenue from the payments to the state to recoup public safety and regulatory enforcement costs for gaming riverboats is included in TSR.

The State Auditor's Office (SAO) and the Office of Administration, Division of Budget and Planning (OA-BP) did not present an issue to the Supreme Court concerning the proper accounting for the effect of tax refunds. However, because the Supreme Court decision indicated that the Hancock provisions in the constitution require the actual receipt of revenue, the amendment presents a cash basis system of accounting. Based on the Court's decision, the SAO has changed the calculation of refunds from an appropriations basis to a cash basis.

On June 29, 1999, the Missouri Supreme Court entered a final decision in Conservation Federation of Missouri, et. al., v. Richard Hanson, et. al., 994 S.W. 2d 27 (Mo. Banc. 1999). This decision determined that Article IV, Section 43(b) prohibits the disbursement of monies specified in that section for the purpose of making the refund required by Article X, Section 18, and that revenue derived from the one-eighth of one percent sales tax imposed by Article IV, Section 43(a) is not includable in TSR.

This decision related to the use of Conservation Fund monies for making refunds under the Hancock Amendment. The General Assembly appropriated a total of approximately \$6 million from the Conservation Fund to be used to pay for refunds due to taxpayers under the Hancock Amendment for fiscal years 1995 and 1996. The Conservation Federation filed suit declaring that moneys in the Conservation Fund may not be used to make these refunds and that the sales tax proceeds are not includable in TSR. The Supreme Court ruled that Article IV, Section 43(b) requires that conservation funds be expended for conservation purposes as specified in that section and using these funds to pay for Hancock refunds is, therefore, unconstitutional.

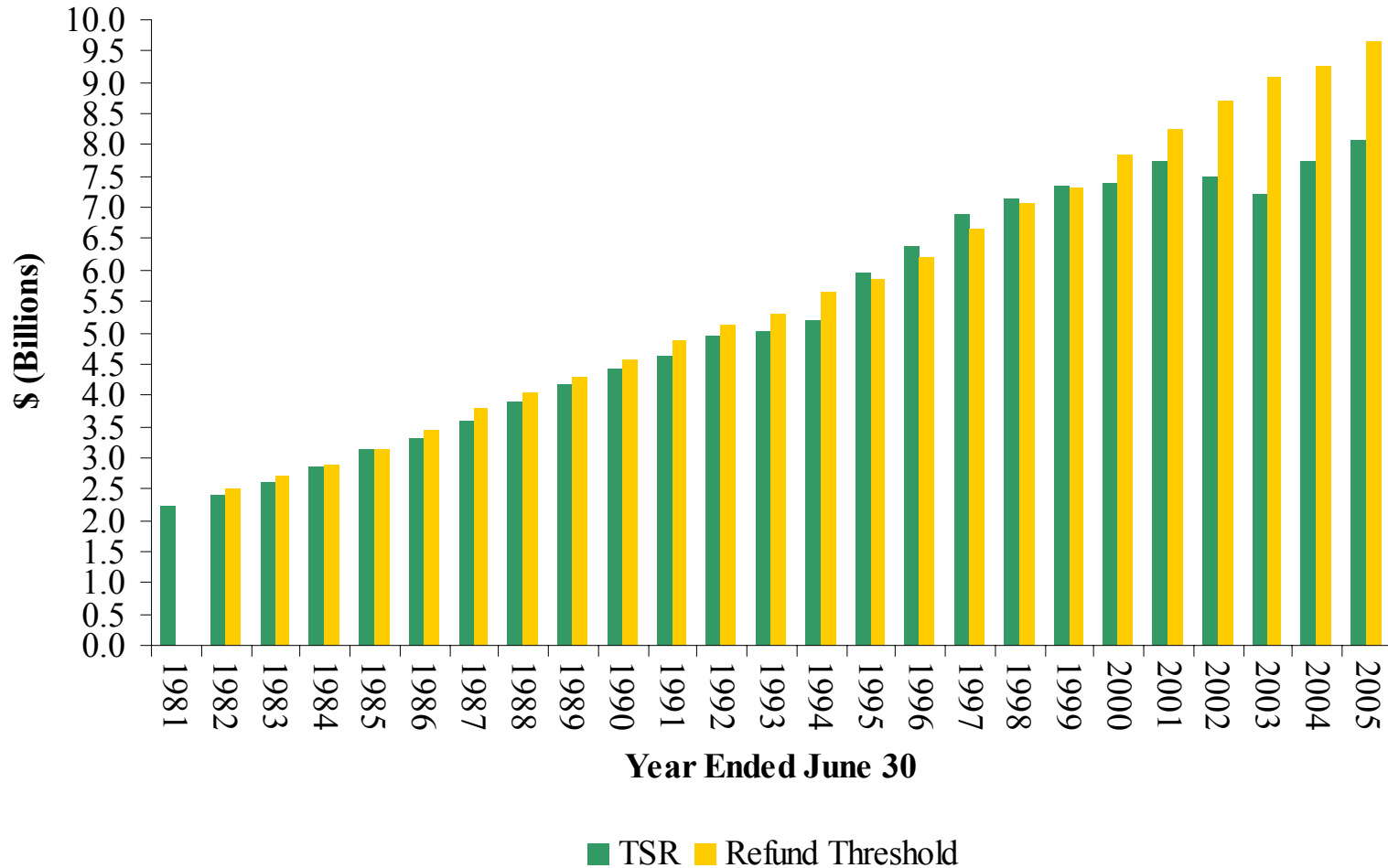
This decision also related to whether the conservation sales tax should be included in TSR. The Supreme Court noted that the conservation sales tax imposed by Section 42(a) was enacted by a vote of the people in 1976, which was four years before the Hancock Amendment was approved. However, Section 43(b) was adopted contemporaneously with the Hancock Amendment and, therefore, went into effect after the Hancock Amendment's baseline period for TSR, which was fiscal year 1981. Thus, this case presents the unique situation that a tax was approved by the voters prior to the Hancock Amendment, but the voter-approved (indeed voter mandated) spending of that revenue was approved after the Hancock Amendment's initial tax and spending ceiling was calculated.

Since the state had already paid refunds to taxpayers for fiscal years 1995, 1996, and 1997, the state decided not to recalculate TSR for those years. However, for fiscal year 1998, the state excluded the conservation sales tax (and related interest earnings) from TSR in accordance with the Supreme Court decision. In addition, the state will not pay any refunds (for prior years or future years) from the Conservation Fund.

In December 1999, two lawsuits were filed in the Cole County Circuit Court. The first case, Flotron v. Carnahan, et. al., 99CV323351, claims that the Supreme Court held in Conservation Federation v. Hanson, 994 S.W. 2d 27 (Mo. Banc. 1999) that all revenue from the conservation

sales tax must be removed not only from yearly total state revenues, but also from the baseline calculation for 1981. The second case, Missouri Merchants and Manufacturers Association, et. al. v. State of Missouri et. al., 99CV323530 claims that the state has not included tax credits in the calculation of the revenue limit and TSR. These two lawsuits were consolidated, and on March 8, 2001, the Missouri Supreme Court handed down its decision in Missouri Merchants and Manufacturers Assoc. v. State of Missouri, 2001 WL 224725 (Mo.). The court held that the auditor and the OA-BP correctly decided to keep conservation sales tax revenues in the baseline calculation, while excluding them from yearly total state revenues. The court further found that tax credits which exceed a taxpayer's liability, resulting in a refund to the individual taxpayer, should be included in the calculation of total state revenue. Starting in fiscal year 2001, the OA-BP has included certain tax credits in the calculation of total state revenue.

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24
CONSTITUTION OF MISSOURI
CHART OF TOTAL STATE REVENUE VERSUS REFUND THRESHOLD



EXHIBITS

Exhibit A

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24, CONSTITUTION OF MISSOURI
SUMMARY OF TOTAL STATE REVENUE AND REFUND CALCULATIONS
(IN MILLIONS)

	Year Ended June 30,				
	2001	2002	2003	2004	2005
TOTAL STATE REVENUE (TSR)					
Total state receipts	\$ 17,360.76	18,127.97	18,347.05	18,893.99	19,500.87
Less excluded revenue	(8,632.31)	(9,541.77)	(9,904.25)	(10,050.55)	(10,288.16)
Less expenditure refunds	(1,066.85)	(1,165.04)	(1,252.34)	(1,126.23)	(1,127.33)
Add refundable tax credits	78.04	67.19	10.07	4.07	4.79
TSR	\$ 7,739.64	7,488.35	7,200.53	7,721.28	8,090.17

REVENUE LIMIT AND REFUND THRESHOLD

Missouri personal income	\$ 144,389.00	152,448.00	159,093.00	161,648.00	168,512.00
Base year ratio	x 0.056395	0.056395	0.056395	0.056395	0.056395
Base limit	8,142.82	8,597.30	8,972.05	9,116.14	9,503.23
Judicial article amendment *	43.52	43.52	43.52	44.28	45.81
Revenue limit	8,186.34	8,640.82	9,015.57	9,160.42	9,549.04
1 percent adjustment	81.86	86.41	90.16	91.60	95.49
Refund threshold	\$ 8,268.20	8,727.23	9,105.73	9,252.02	9,644.53

REFUND CALCULATION

TSR	\$ 7,739.64	7,488.35	7,200.53	7,721.28	8,090.17
Less refund threshold	8,268.20	8,727.23	9,105.73	9,252.02	9,644.53
Over (Under) Threshold	(528.56)	(1,238.88)	(1,905.20)	(1,530.74)	(1,554.36)
1 percent adjustment	0.00	0.00	0.00	0.00	0.00
Refund	\$ 0.00	0.00	0.00	0.00	0.00

* The judicial article amendment adjustment for the Year Ended June 30, 2004, has been restated to include a \$600 salary increase for employees making less than \$40,000 annually, which was not previously included.

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
1001	Sales and use tax	\$ 1,732,305,234	1,736,714,171	1,737,612,158	1,821,777,954	1,887,769,667
1003	(l) Parks sales and use tax	35,230,980	36,220,266	35,939,862	37,391,971	38,608,924
1005	(k) Soil and water sales and use tax	35,230,984	36,220,270	35,947,537	37,394,824	38,608,927
1007	General revenue reimbursements - local sales and use tax	3,010,856	1,835,145	1,838,920	1,952,122	1,850,561
1009	Motor vehicle sales tax	201,434,995	224,606,585	210,455,391	215,078,975	210,749,553
1011	(u) Conservation sales and use tax	88,085,276	90,545,178	89,855,329	93,488,139	96,524,659
1013	(f) Proposition C sales and use tax	689,313,928	707,412,040	702,831,412	731,735,057	756,380,208
1015	Sales and use taxes paid under protest	153,582	450,179	304,292	6,034,772	925,453
1022	Individual income tax	4,594,876,638	4,470,625,351	4,392,707,326	4,579,484,729	4,866,347,540
1024	Individual income taxes paid under protest	(293,191)	81,600	42,353	55,591	121,038
1026	Corporate income tax	365,348,758	448,568,753	366,848,435	329,596,001	354,390,367
1028	Corporate income taxes paid under protest	562,689	456,457	1,451	-	-
1033	County foreign insurance tax	139,319,912	160,589,220	157,209,442	162,129,552	165,480,625
1037	Worker's compensation insurance tax	3,633,190	2,221,514	18,558,537	45,780,130	23,532,434
1039	Worker's compensation insurance tax - second injury	40,002,911	41,202,150	43,490,045	73,637,324	73,796,417
1041	Excess lines of insurance tax	9,724,620	12,516,253	19,545,210	23,300,865	24,929,980
1049	Heavy beer tax	8,002,425	8,139,919	8,162,402	8,287,133	8,127,177
1051	Light beer tax	106,174	87,955	52,013	43,970	44,632
1053	Liquor tax	14,853,871	14,623,630	14,914,429	15,792,060	16,159,921
1055	Wine tax	2,949,469	3,056,127	3,679,658	3,902,201	3,975,042
1057	Cigarette tax	99,428,258	97,272,540	97,945,955	98,815,335	99,247,687
1059	Tobacco product tax	8,723,561	9,545,626	10,204,096	10,837,459	11,035,093
1060	Motor vehicle fuel tax	381,494,352	387,710,815	394,517,707	407,048,241	415,205,844
1060	(g) Motor vehicle fuel tax	163,583,904	165,590,555	168,030,100	173,258,962	176,987,003
1060	(p) Motor vehicle fuel tax	145,184,278	146,965,204	149,130,374	153,771,103	157,079,820
1062	Special fuel non-gas tax	1,393,208	1,177,761	2,431,054	1,829,636	2,118,492
1064	Aviation fuel tax	479,395	429,032	549,406	409,621	405,276
1070	Corporation franchise tax	71,862,773	20,753,109	70,265,700	91,387,675	119,446,502
1073	Estate tax	156,818,846	136,954,962	81,496,285	75,115,067	42,221,932
1074	(q) Bingo tax	3,514,132	3,187,204	3,209,784	2,909,716	2,703,789
1076	(r) Gaming commission gross receipts tax	187,786,857	217,286,247	234,237,771	251,587,273	270,532,391
1080	Real and personal property tax	17,630,096	18,640,204	18,888,626	19,450,597	19,737,535
1082	Delinquent real and personal property tax	1,788,078	2,347,829	2,601,540	3,312,254	3,499,542
1084	Hazardous waste tax	3,237,913	3,547,403	3,363,038	3,367,830	3,100,982
1088	Nursing facility reimbursement allowance	8,904,840	9,641,756	9,314,474	9,833,951	13,116,650
1089	Pharmacy Reimbursement Allowance	-	-	15,320,294	17,131,990	18,995,336
1090	Federal reimbursement allowance	16,871,529	7,939,464	13,566,447	15,134,996	33,782,892
1092	Payments in lieu of taxes	300,000	175,000	-	-	-
1093	Athletic events tax	120,127	151,771	57,801	95,742	180,817
1095	Surcharges	207,500	606,134	695,555	766,956	1,566,759
1097	Agency collected sales taxes	109,032	457,602	415,473	435,451	386,577
1099	Other taxes	127,947	67,313	64,944	90,237	109,316
1100	Professional licenses or permits	20,801,980	20,114,035	20,593,036	26,304,410	23,938,936
1102	Recreational licenses or permits	3,769,226	4,111,095	4,198,718	4,435,398	4,656,292
1104	All-terrain vehicle licenses or permits	250	536	852	118	362
1106	Motor vehicle licenses or permits	189,285,982	168,023,626	166,405,505	174,810,579	180,565,635
1108	Interstate transportation licenses or permits	54,135,803	56,996,602	57,332,152	56,525,164	59,110,421
1108	(g) Interstate transportation licenses or permits	5,036,883	5,118,406	5,054,226	4,964,903	5,066,222
1110	Driver's licenses or permits	20,320,279	21,059,328	22,864,738	16,559,810	17,088,649
1112	Land reclamation commission permits	438,550	370,237	469,778	536,854	535,465

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
1114	Salesman licenses or permits	3,835,926	4,469,430	3,209,485	225,190	252,940
1116	Vehicle and boat manufacturer and dealer licenses	911,535	911,210	923,960	973,838	976,181
1118	Liquor licenses or permits	3,670,395	4,383,474	3,799,292	3,877,954	3,986,540
1120	Gaming commission licenses	1,804,602	1,792,626	2,216,175	1,873,125	1,777,891
1122	Beer licenses or permits	12,256	11,966	11,038	8,849	7,472
1124	Motor carrier licenses	2,789,015	2,600,105	2,503,702	2,516,988	2,611,895
1126	Hunting and fishing licenses and commission permits	27,139,361	27,584,035	28,407,143	29,224,056	29,295,503
1127	Hunting and fishing special tags	1,232,849	1,130,411	1,321,864	1,126,188	1,134,412
1128	Hazardous waste transporter licenses	367,565	346,030	281,820	286,091	338,746
1130	Water pollution control permits	2,622,026	3,839,546	3,987,010	4,318,335	4,377,961
1132	Overdimension/overweight permits	4,493,852	4,625,179	4,454,546	4,913,789	5,286,025
1134	Merchant licenses	983,772	873,699	996,908	1,044,668	1,178,706
1136	Tobacco licenses	23,900	27,300	24,500	25,300	24,100
1138	Temporary licenses	1,600	925	675	742	755
1140	Duplicate plates	1,278	1,177	1,802	1,865	2,201
1149	Other licenses and permits	2,462,292	2,337,885	3,365,225	3,703,824	5,356,182
1150	Lobbyist registration fees	2,310	2,260	2,130	1,340	1,970
1152	Motorboat fees	5,495,087	5,854,312	5,781,775	6,812,398	7,852,101
1154	Narcotics and dangerous drugs fees	670,267	509,416	1,024,210	805,479	620,506
1156	Occupational boards exam fees - individual exam fees	448,657	742,937	711,368	879,392	969,081
1160	Non-motor fuel decal fees	162,590	152,485	135,790	115,455	100,966
1162	Filing fees	14,368,725	14,711,378	14,289,774	20,980,420	19,927,361
1163	Certifying/Authenticating Fees	-	-	-	726,665	192,184
1164	Transfer fees	23,384	22,854	24,328	21,547	27,014
1169	Other registration fees	12,592,642	12,140,319	12,464,041	7,213,300	7,542,362
1174	Asbestos fees	251,264	261,965	251,871	247,992	276,147
1178	Milk control fees	87,729	39,565	52,507	100,087	64,066
1180	Home health care license fees	127,200	113,400	120,000	121,350	117,750
1182	Nursing home license fees	131,977	140,044	146,683	135,174	132,404
1184	Title V emissions fees	6,410,168	6,704,597	7,926,714	8,663,826	8,250,446
1185	Emission fees/non Title V facilities	496,654	445,920	368,441	368,492	344,704
1186	Boarding home license fees	715,364	715,855	725,487	712,583	724,251
1188	Public utilities fees	20,572,444	19,126,770	19,702,341	19,990,103	19,261,361
1190	Hospital license fees	90,225	84,122	94,152	86,032	83,647
1192	Grain warehouse license fees	35,465	36,288	33,687	33,964	34,161
1194	Missouri primacy fees	2,485,763	2,374,641	2,666,930	2,639,033	2,794,025
1196	Underground storage tank annual participation fees	1,170,584	1,255,623	1,234,514	597,671	-
1198	Transport load fees	13,841,740	16,834,815	22,803,622	23,904,017	23,665,383
1200	Storage tank registration fees	269,535	56,310	46,205	215,545	224,440
1202	Tourist cabin permit fees	146,067	230,025	190,954	195,510	46,881
1206	Solid waste disposal fees	9,687,293	11,737,917	10,998,242	11,012,418	11,473,573
1208	New tire fees	2,010,702	2,044,605	2,241,714	1,623,688	27,332
1210	Ground water protection fees	474,974	441,978	444,101	543,966	623,233
1214	Insurance regulatory fees, renewals and purchasing groups	1,952,584	1,862,781	1,829,238	1,787,206	1,718,125
1216	Air conservation commission permit fees	252,357	283,085	463,279	472,619	449,690
1218	Bingo license fees	74,525	71,905	69,820	62,277	67,275
1220	Lab fees	1,374,311	1,355,954	1,800,967	2,461,317	2,424,212

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
1222	Program administration fees	771,929	674,018	768,707	726,810	713,491
1223	Confined animal feed operation indemnity fees	50,641	44,649	33,486	64,619	37,731
1224	Railroad assessments	664,373	1,076,878	539,513	654,101	971,729
1227	Enhanced vehicle emission inspection fees	1,821,791	1,666,518	1,707,770	1,706,183	1,738,699
1229	Beverage inspection fees	452,694	444,998	55,556	-	-
1233	Grain warehouse inspection fees	1,485,938	1,590,763	1,616,019	1,573,755	1,741,117
1235	Milk inspection fees	1,420,596	1,377,533	1,366,630	1,383,077	1,379,483
1237	Ice cream products inspection fees	21,180	22,517	39,460	27,280	31,700
1239	Mine inspection fees	77,508	68,324	74,486	75,953	66,982
1241	Mobile home and recreational vehicle inspection fees	266,188	377,812	428,085	654,744	745,037
1243	Oil inspection fees	2,400,864	2,415,488	2,164,079	2,567,947	2,557,810
1249	Other inspection fees	1,060,908	1,042,563	1,197,621	1,302,603	1,370,310
1250	Collection fees	16,887,480	17,166,793	17,941,164	18,813,734	19,775,880
1250	(c) Collection fees - Fund 880	-	-	7,149	-	-
1252	Admission fees	928,247	1,036,032	1,191,555	1,292,168	1,341,952
1252	(r) Admission fees - Riverboat gambling	46,984,700	48,607,527	51,061,261	52,561,952	54,146,991
1254	State auditor fees	777,268	746,288	991,184	840,199	1,071,601
1260	Grade crossing safety fees	1,441,440	1,206,302	1,204,109	1,215,990	1,250,036
1262	Loan administration fees	2,156,065	2,700,281	2,624,013	3,145,252	3,810,458
1262	(c) Loan administration fees - Fund 881	208,357	9,165	-	-	-
1264	Court fees	17,630,909	17,665,443	17,478,866	20,538,094	21,604,235
1266	Financial institutions examination fees	6,639,892	6,537,159	6,476,118	6,990,259	7,209,189
1268	Consumer finance license fees	625,100	720,525	793,125	875,325	986,550
1270	Transcript fees	125,225	148,507	170,160	147,137	139,175
1272	Land Survey Fees	-	-	-	-	(1,300)
1274	Marketing development fees	331,838	244,854	185,869	181,565	212,008
1276	Miscellaneous insurance fees	615,158	570,580	647,075	669,215	601,590
1278	Gaming commission administrative income	4,455	3,319	3,762	3,648	1,011
1279	(a) Lottery commission fees	246,300	309,450	338,073	290,689	387,762
1280	Motor vehicle inspection sticker fees	3,777,264	4,267,409	4,412,638	4,457,993	4,533,806
1282	Logo sign advertising fees	3,399,742	3,494,840	3,545,681	3,805,960	4,161,752
1284	Public defender fees	885,419	820,470	1,142,491	1,456,724	1,455,500
1286	Witness fees	5,451	6,008	4,304	8,060	6,961
1286	(a) Witness fees - Fund 657	-	-	40	-	-
1288	County recorders fees	7,815,444	12,647,575	11,423,587	11,038,590	9,404,215
1290	Training or conference fees	49,414	36,773	40,290	40,537	45,410
1294	Electronic monitoring fee	1,287,591	1,346,871	1,493,475	1,634,176	1,640,776
1298	Substance abuse offender program fees	1,736,251	1,817,839	1,924,812	3,642,414	3,872,787
1302	Criminal records check fees	3,602,868	4,107,926	4,344,223	4,116,455	5,669,234
1303	Other fees	4,953,977	5,676,537	5,720,090	6,526,807	7,025,043
1305	(h) Bond sales proceeds	286,102,087	413,049,331	398,337,310	262,829,539	3
1310	Land sales	2,490,321	3,590,127	2,027,355	4,755,543	5,512,710
1312	Sales of natural resources products	2,420,275	2,281,434	2,698,580	2,878,772	3,524,846
1314	Sales of agriculture products	1,768,337	1,555,108	1,416,064	1,667,391	1,750,295
1316	Manufactured product sales	14,266,711	7,107,259	5,404,285	8,276,056	7,799,864
1318	Information sales	3,770,665	3,577,403	3,361,956	3,343,120	3,237,949
1320	Souvenir sales	687,074	729,830	620,334	617,851	626,113
1322	Surplus property sales - State	4,645,129	5,785,741	1,650,166	2,345,583	1,626,659
1322	(a) Surplus property sales - State - Lottery Fund 657	110,726	98,098	-	-	-
1322	(aa) Surplus property sales - State - Fund 710	1,148,683	1,179,903	787,350	1,088,245	1,374,300
1322	(c) Surplus property sales - State - Fund 880	-	14,063	-	-	-

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF TOTAL STATE REVENUES

Revenue Source	Code	Type of Revenue	Year Ended June 30,				
			2001	2002	2003	2004	2005
	1324	Surplus property sales - Federal	2,430,759	2,870,157	2,318,658	2,037,258	2,281,737
	1324 (c)	Surplus property sales - Federal - Fund 880	210	-	-	-	-
	1326	Unclaimed Property Sales	-	-	3,796	350	-
	1328	Sales of fixed assets - control	5,748,170	5,195,082	7,368,247	6,405,790	6,740,642
	1330	Vital records sales	1,220,807	1,219,613	1,244,136	1,200,507	1,436,055
	1332 (a)	Lottery ticket sales	256,549,705	282,517,043	310,793,243	366,115,206	345,575,845
	1334	Cafeteria sales	716,482	1,083,947	680,970	720,508	613,530
	1338	Other sales	199,983	288,147	460,178	618,051	238,143
	1338 (a)	Other sales - State lottery Fund 657	-	-	-	-	643
	1340	Gain on sale of fixed assets	-	342	15,411	-	-
	1342	Supply sales	-	107	797	637	618
	1401	Land rentals/leases	-	2,166	1,066	1,066	1,066
	1403	State facilities rentals/leases	881,705	910,889	786,443	915,819	703,612
	1404	Parking rentals/leases	83,948	87,105	80,831	75,793	68,872
	1405	Concessions and recreational rentals/leases	2,443,321	2,346,366	2,286,164	2,093,605	2,310,330
	1407	Housing/building rentals/leases	352,936	345,124	327,344	271,249	255,272
	1409	Other leases and rentals	1,228,246	1,512,930	1,285,740	1,161,489	842,244
	1414 (e)	Medicare	9,430,293	7,780,676	10,023,586	7,891,969	13,104,191
	1416 (e)	Medicare - community based	430,198	-	-	-	-
	1418 (e)	Medicaid	65,415,461	84,837,220	113,715,423	116,247,130	113,767,474
	1420 (e)	Medicaid - community based	52,083,505	52,544,520	55,460,400	29,086,883	46,154,590
	1422	Private Payments	7,728,151	7,619,066	8,012,154	7,643,629	7,484,711
	1424	Insurance payments	2,268,896	2,550,849	2,832,410	2,483,663	2,183,788
	1426	Other payments	446,888	564,806	225,715	164,919	82,499
	1434	Institutional support fees	30,527	39,093	55,357	171,780	29,525
	1436	Room and care	15,344,355	15,998,636	18,807,181	20,559,387	23,390,722
	1438	Fleet services operations/maintenance	8,384	409	-	-	-
	1442	Mail/freight services	1,100	290	1,170	2,555	1,686
	1444	Telephone billing	-	-	-	698	-
	1446	Printing service	42,792	62,928	81,288	99,901	112,719
	1448	Computer services	3,321	43,359	1,850	1,673	3,699
	1450	Administration services	-	-	-	3,025	-
	1452	Flight Operations Services	-	-	29,352	-	-
	1501	Private donations	5,259,549	2,492,123	4,233,004	3,494,597	3,038,212
	1502	Other governmental entity donations	134,865	-	-	29,000	6,458
	1507 (e)	Nasao (airport inspections)	-	-	-	-	-
	1510 (e)	US Department of Agriculture	295,168,578	330,201,447	298,793,799	315,309,213	324,208,864
	1512 (e)	US Department of Defense	1,691,666	2,298,922	2,347,401	2,556,350	3,139,604
	1514 (e)	US Department of Housing and Urban Development	48,660,402	41,806,127	36,536,630	39,383,092	38,264,807
	1516 (e)	US Department of Interior	15,829,317	18,902,443	15,353,170	18,635,222	20,010,553
	1518 (e)	US Department of Justice	3,828,766	7,728,788	7,866,985	23,534,299	45,439,686
	1520 (e)	US Department of Labor	80,665,476	81,124,949	71,641,936	73,958,806	75,173,714
	1522 (e)	US Department of Education	426,076,140	454,924,801	521,034,164	567,929,279	607,650,375
	1522 (c)	US Department of Education - Fund 880	4,335,597	4,999,860	6,100,044	7,008,260	6,777,654
	1522 (c)	US Department of Education - Fund 881	22,349,908	28,331,940	22,923,277	21,146,522	42,401,412
	1524 (e)	US Department of Transportation	630,676,395	830,459,784	785,228,408	727,496,377	832,914,720
	1526 (e)	National Foundation for the Arts and Humanities	3,299,112	3,246,308	4,148,758	3,693,442	3,118,665
	1528 (e)	US Veterans Administration	16,319,105	25,762,073	43,965,656	28,976,671	26,333,616

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
1529	US Gen Service Administration	-	-	-	-	6,577
1530	(e) US Environmental Protection Agency	77,684,564	73,043,437	99,863,990	92,846,554	65,371,097
1532	(e) US Department Of Energy	5,743,072	6,867,744	6,786,185	6,657,746	7,971,473
1534	(e) Federal Emergency Management Agency	9,514,458	23,743,625	62,257,331	30,750,178	15,694,217
1536	(e) US Department of Health and Human Services	3,619,855,729	3,973,851,735	4,274,976,158	4,400,831,476	4,940,907,333
1538	(e) National and Community Services	-	37,589,655	-	8,722	3,607
1540	(e) US Social Security Administration	30,589,459	145,185	35,035,237	35,120,494	32,955,548
1542	(e) National Archives and Records	-	-	105,355	2,000	104,549
1544	(e) Elections Assistance Commission	-	-	17,348,011	44,914,650	-
1546	(e) US Department of Treasury	-	-	95,136,209	95,183,169	-
1549	(e) Miscellaneous federal revenues	24,209,426	28,218,828	70,907,767	170,523,112	32,039,098
1551	County mental health programs	5,671,302	7,117,257	8,396,216	7,915,368	8,823,579
1560	(e) Federal pass-through grants	41,039,012	45,245,956	37,229,036	32,910,930	38,100,579
1601	Time deposits interest	23,742,120	20,112,963	7,168,428	3,746,600	5,893,485
1601	(f) Time deposits interest - Fund 688	555,168	448,257	174,813	97,299	157,407
1601	(a) Time deposits interest - Fund 657	234,614	161,921	48,965	23,981	36,639
1601	(k) Time deposits interest - Fund 614	214,095	202,029	76,599	41,312	71,316
1601	(l) Time deposits interest - Fund 613	174,164	115,693	38,686	17,757	21,759
1601	(b) Time deposits interest - Fund 905	22,809	20,567	10,321	5,937	10,028
1601	(q) Time deposits interest - Fund 289	73,302	54,577	20,226	9,344	12,525
1601	(r) Time deposits interest - Fund 285	97,493	90,929	38,369	19,958	34,523
1601	(d) Time deposits interest - Fund 963	267	146	63	37	73
1601	(u) Time deposits interest - Fund 609	223,097	113,270	64,936	39,631	64,275
1601	(c) Time deposits interest - Fund 851	252,778	265,935	52,142	3,157	2,333
1601	(c) Time deposits interest - Fund 880	93,765	67,365	28,579	23,770	50,877
1601	(c) Time deposits interest - Fund 881	372,424	241,818	79,161	39,279	42,233
1603	U.S./agency securities interest	134,160,656	79,952,145	54,142,188	43,022,691	49,506,581
1603	(f) U.S./agency securities interest - Fund 688	2,582,509	1,522,193	1,105,802	816,747	1,041,365
1603	(a) U.S./agency securities interest - Fund 657	1,080,553	515,992	296,293	200,741	236,997
1603	(k) U.S./agency securities interest - Fund 614	905,365	643,417	469,100	340,616	453,657
1603	(l) U.S./agency securities interest - Fund 613	775,212	373,358	236,966	147,844	142,987
1603	(b) U.S./agency securities interest - Fund 905	97,539	64,539	63,683	48,999	64,582
1603	(q) U.S./agency securities interest - Fund 289	325,033	172,788	122,984	77,495	81,826
1603	(r) U.S./agency securities interest - Fund 285	456,993	301,157	229,696	166,287	223,260
1603	(d) U.S./agency securities interest - Fund 963	2,619	1,772	1,697	1,615	1,433
1603	(u) U.S./agency securities interest - Fund 609	951,098	453,080	404,320	325,892	412,250
1603	(c) U.S./agency securities interest - Fund 851	1,062,792	831,658	277,254	26,518	15,656
1603	(c) U.S./agency securities interest - Fund 880	402,657	214,027	179,544	193,633	324,274
1603	(c) U.S./agency securities interest - Fund 881	1,654,049	774,507	480,589	326,989	277,329
1605	Other investment interest	222,288	1,069,324	1,051,329	525,665	400,000
1610	Interest on loans	539,282	662,489	834,899	1,068,022	951,381
1612	Interest Federal	-	-	-	643	13,523,913
1614	Interest on receivables	52,499	51,657	58,011	56,302	201,562
1615	Interest on receivables - control	59	-	-	-	-
1616	Interest on settlements	383,918	13,635	122,645	47,983	94,709
1618	Other interest	1,868,339	1,949,877	1,307,512	1,071,386	29,162
1618	(c) Other interest - Fund 880	108,323	34,784	11,202	-	-
1621	Penalties	12,352,397	14,727,271	17,737,789	17,547,145	19,400,092
1621	(q) Penalties Fund 289	-	-	-	-	15
1622	Penalties - control	-	160,000	-	-	-
1624	Settlements	424,508	2,907,001	858,540	1,993,625	4,736,944
1624	(a) Settlements - Lottery Fund 657	-	32,361	-	-	-

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
1626	Court awards	1,934,990	1,446,864	1,346,078	2,039,930	1,681,369
1628	Insufficient funds charges	5,930	7,055	5,168	10,609	7,703
1628 (a)	Insufficient funds charges - Fund 657	-	-	20	-	-
1629	Insufficient funds charges - control	-	21	-	-	-
1634	Estates	1,083,195	811,820	329,323	1,028	449
1636	Unclaimed properties	45,077,183	30,994,590	38,583,756	76,804,125	53,672,476
1700 (i)	Salary refunds - federal	554,591	628,973	607,207	464,856	695,196
1701 (i)	Salary refunds - state	38,613	59,128	48,677	79,988	40,575
1702 (i)	Salary refunds - local/other	34,586	37,240	28,205	23,047	28,205
1703 (i)	General relief pension refunds	4,201,496	4,045,153	4,021,572	2,830,777	1,186,474
1704 (i)	Blind pension refunds	3,537	3,402	11,659	73,105	2,788
1706 (i)	Dependent children pension refunds	832,675	663,789	426,750	376,190	367,373
1715 (i)	Day care refunds	74,957	113,434	119,927	61,322	72,401
1717 (i)	Medicare - Medicaid refunds	165,727,710	186,014,638	212,955,744	250,677,523	331,852,999
1719 (i)	Cost in criminal cases refunds	215,732	227,989	270,948	342,290	447,889
1721 (i)	Vendor refunds - federal	1,118,740	1,897,512	1,473,246	1,043,953	1,313,190
1722 (i)	Vendor refunds - state	3,276,007	752,848	1,288,711	1,003,623	747,697
1722 (a)	Vendor refunds - state - Lottery Fund 657	-	4,531	1,870	6,130	6,045
1722 (c)	Vendor refunds - state - Student Loans 880	-	-	-	-	1,857
1722 (c)	Vendor refunds - state - Student Loans 851	-	-	-	-	100
1723 (i)	Vendor refunds - local/other	94,418	354,303	235,601	387,345	290,456
1723 (c)	Vendor refunds - local/other - Fund 880	286	360	-	-	1,151
1724 (i)	Political subdivision refunds	70,992	80,574	-	359,837	9,919
1725 (i)	Excess court payment refunds	4,189,214	1,845,533	1,717,352	1,573,649	1,499,024
1727 (i)	School refunds	5,216,923	6,318,969	5,587,349	6,048,847	5,689,555
1728 (i)	Scholarship refunds	95	-	143,902	252,530	314,355
1728 (c)	Scholarship refunds - Fund 881	-	-	-	216	-
1729 (i)	Audit findings - federal	4,259	232,392	223,038	144,227	194,239
1730 (i)	Audit findings - state	9,199	105,802	56,428	198,436	50,321
1731 (i)	Audit findings - local/other	20,011	15,721	6,093	21,462	38,282
1732 (i)	Utility refunds	41,610	18,716	7,166	12,383	9,131
1733 (i)	Fuel tax refunds	576,386	199,071	251,078	325,004	300,863
1733 (c)	Fuel tax refunds Fund 880	-	-	-	-	3
1737 (i)	Other refunds	5,035,856	2,833,793	2,987,825	4,013,975	2,585,121
1737 (a)	Other refunds - Lottery Fund 657	98	-	-	-	-
1737 (c)	Other refunds - Fund 880	20,686,829	-	5,321	322	-
1737 (c)	Other refunds - Fund 881	2,439,370	29,354,812	8,761,805	8,675	-
1806 (w)	Recovery costs	349,175,348	187,032,686	181,232,299	163,653,275	158,226,200
1806 (a)	Recovery costs - Lottery Fund 657	105	-	5,504	667	-
1806 (bb)	Intergovernmental transfer program	268,558,021	366,225,540	144,251,000	30,326,961	26,875,705
1808	Deposit of surplus property funds	620,614	395,011	588,116	910,773	2,040
1808 (a)	Deposit of surplus property - Fund 657	-	-	51,091	20,467	-
1808 (c)	Deposit of surplus property - Fund 626	-	-	95	-	-
1808 (c)	Deposit of surplus property - Fund 880	-	-	-	397	-
1808 (c)	Deposit of surplus property - Fund 881	-	-	-	4,350	-
1811 (z)	Local match	1,477,834	1,494,703	925,923	2,147,704	3,942,050
1812 (x)	Cost reimbursements - federal	1,160,857	867,680	1,258,193	281,369	481,878
1812 (c)	Cost reimbursements - Fund 880	-	-	-	-	2,146
1813 (x)	Cost reimbursements - state	14,381,969	21,148,451	35,642,920	24,503,507	20,069,835
1813	Cost reimbursements - state (included)	6,261,180	6,575,082	6,638,598	7,038,004	8,011,183
1813 (c)	Cost reimbursements - Fund 880	-	-	-	-	213
1814 (x)	Cost reimbursements - local/other	108,467,767	108,270,236	122,389,750	131,365,650	114,342,412
1814 (c)	Cost reimbursements - local/other - Guaranty Agency Operating Fund 880	-	-	991	-	-

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
1816	Bond account	2,627,652	4,252,343	5,740,905	6,676,769	7,278,870
1818	(v) Employee expense reimbursement - federal	-	500	100	112	1,756
1819	(v) Employee expense reimbursement - state	3,021	3,745	2,380	2,816	1,447
1820	(v)					
	Employee expense reimbursement - local/other	1,210	628	4	-	969
1821	(v) Employee personal expense reimbursement	20,433	48,084	17,634	20,740	33,588
1821	(c) Employee personal expense reimbursement - Fund 880	-	-	34	-	137
1822	(n) Outlawed checks	7,936,688	6,490,071	5,369,639	9,391,724	7,329,715
1822	(a) Outlawed checks - Lottery Fund 657	2,383	5,056	-	-	-
1822	(b) Outlawed checks - Alternative Care Trust Fund 905	6,081	12,348	3,598	17,439	2,620
1822	(c) Outlawed checks - Fund 880	155	-	-	-	-
1822	(c) Outlawed checks - Fund 881	-	-	-	3,184	-
1824	(y) Canceled checks	871,889	828,552	5,509,977	4,151,727	5,801,505
1824	(a) Canceled checks - Lottery Fund 657	31,965	-	-	38	19,368
1824	(b) Canceled checks - Alternative Care Trust Fund 905	1,622	5,369	1,030	173	2,880
1824	(c) Canceled checks - Fund 880	-	1,050	-	-	-
1824	(q) Canceled checks - Bingo Fund 289	-	122	-	-	-
1826	(m) Redeposit of investments principal	657,712	1,334,300	751,921	1,850,020	1,267,000
1826	(d) Redeposit of investments principal Pansy Johnson Trust Fund 963	-	-	-	-	5,000
1828	(o) Redeposit of loan principal	15,149,671	82,912,767	29,525,552	96,777,971	48,774,710
1830	Telephone commissions	5,943,277	2,579,215	1,939,388	2,951,377	2,220,545
1832	Commission on sales	35,803	89,641	51,746	36,385	42,918
1834	Rebates	5,238	33,964	1,593,777	3,248,923	3,186,878
1834	(a) Rebates - Lottery Fund 657	-	45	16	46	169
1834	(c) Rebates - Fund 880	-	-	-	-	3
1834	(cc) Rebates - WIC	-	-	28,832,678	32,459,831	33,432,384
1836	Housing and maintenance receipts	1,363	15,283	40,315	44,144	61,888
1838	Loan defaults	328,041	255,479	267,384	222,620	374,067
1840	(t) Loan proceeds	22,606,398	20,150,508	24,244,308	10,268,507	8,688,830
1842	(o) Loan repayment	602,914	54,691	82,059	83,583	92,404
1842	(c) Loan repayment - Fund 880	-	-	-	801	-
1842	(c) Loan repayment - Fund 881	-	-	22,586,729	29,430,674	22,088,262
1843	(o) Loans receivable contra account	2,617,947	2,686,402	6,589,491	5,367,701	18,300,256
1844	Insurance proceeds	5,091	63,308	42,945	3,148	5,295
1846	Capital credits/dividends	30,657	33,906	59,896	44,721	55,706
1848	Recycling receipts	44,219	119,446	43,785	76,608	130,338
1850	Forfeitures	3,033,329	1,837,745	2,201,018	2,437,245	2,071,385
1852	Overpayments	5,068,247	5,874,156	6,287,933	4,345,745	1,771,438
1852	(c) Overpayments - Fund 880	-	311	3,889	-	-
1856	(e) Other miscellaneous receipts - federal	5,393,704	6,826,201	4,093,602	2,774,771	6,886,042
1858	Other miscellaneous receipts - state	1,434,587	3,398,319	2,764,572	12,010,358	1,991,881
1858	(a) Other miscellaneous receipts - state - Lottery Fund 657	397,578	1,545	3,280	7,403	4,461
1858	(b) Other miscellaneous receipts - state - Alternative Care Trust Fund 905	8,729,355	11,032,949	11,188,245	10,964,014	10,260,864
1858	(c) Other miscellaneous receipts - Fund 880	-	8	-	-	-
1858	(c) Other miscellaneous receipts - Fund 881	-	129	-	-	-

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
CONSTITUTION OF MISSOURI
SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
1860	Other miscellaneous receipts - local/other	2,396,445	1,991,068	1,271,171	1,749,384	1,793,312
1860 (a)	Other miscellaneous receipts - local/other - Lottery Fund 657	1,514,553	271,627	2,837,258	-	74,350
1860 (c)	Other miscellaneous receipts - local/other - Fund 880	4,988	7,261	-	30	-
1860 (c)	Other miscellaneous receipts - local/other - Fund 881		80	-	-	-
1862	Fees for copying public records	185,997	195,672	181,177	515,415	496,751
1862 (a)	Fees for copying public records - Lottery Fund 657	75	141	257	173	473
1866	Federal share of grantee sales	106,075	99,370	238,952	232,667	100,649
1868	Receivable overpayment - federal	-	-	31	130	356
1870	Receivable overpayment - state	96,719	43,338	42,606	3,159	6,506
1872	Receivable overpayment - local	-	9	33	127	169
6001 (j)	Supply sales	93,937	12,043	-	-	18
6002 (j)	Open records fees	6,089	13,822	6,492	9,389	9,221
6003 (j)	Fleet services operations/maintenance	875,272	962,764	933,189	998,046	991,562
6005 (j)	Fleet services replacement	2,384,772	437,036	541,945	2,171,486	699,191
6006 (j)	Criminal records check fees	-	-	-	1,035,216	2,081,767
6007 (j)	Mail/freight services	687,637	686,679	600,956	567,986	613,666
6009 (j)	Telephone billing	39,520,463	36,047,039	33,408,199	32,136,693	30,453,762
6011 (j)	Printing service	9,052,467	6,791,086	5,829,079	5,954,992	5,994,738
6013 (j)	Reimbursement/recovery cost	19,654,466	17,576,615	13,965,380	22,719,299	23,900,839
6015 (j)	Leased facility	4,097,501	2,434,435	3,563,491	3,453,059	3,681,193
6017 (j)	Sale of material, supplies, and services	1,334,035	1,367,801	1,024,985	1,136,437	991,081
6019 (j)	Training	1,437,495	1,339,632	957,246	1,129,212	1,104,409
6021 (j)	Computer services	26,720,271	23,894,805	26,125,428	23,342,866	24,494,010
6023 (j)	Administration services	1,168,731	3,505,263	1,311,389	1,069,786	1,414,446
6025 (j)	Flight operations services	616,370	457,041	373,308	463,883	397,374
6027 (j)	Sale of manufactured products	19,835,607	18,684,997	25,388,280	22,003,644	21,069,582
6029 (j)	Interagency receipts	22,398,199	22,948,344	20,853,813	17,651,535	19,048,175
6029 (c)	Interagency receipts - Fund 851	-	-	-	457	-
6029 (c)	Interagency receipts - Fund 880	1,618,169	1,707,624	950,619	1,096,663	1,058,766
6029 (c)	Interagency receipts - Fund 881	-	137,312	258,321	105,950	531,142
6030 (j)	Sampling &/or Analysis	-	-	-	24,130	34,774
6031 (s)	Redeposit of state funds	1,486,316	7,011,492	49,253	3,241	31,440
6032 (j)	Deposit of unclaimed property	-	185	3,722	312	-
6033 (j)	Permits	43,550	83,014	72,596	52,670	58,025
6034 (j)	Registration fees	11,200	15,516	24,885	23,784	36,100
6035 (j)	Taxes	-	16	173,958	2,283,087	1,541,530
6036 (j)	Transcript fees	-	-	-	3,937	6,848
	Total revenues	17,360,765,801	18,127,966,208	18,347,052,703	18,893,988,141	19,500,869,283
Fund Exclusions:						
(a)	Lottery - Fund 657	260,168,655	283,917,810	314,375,910	366,665,541	346,342,752
(b)	Alternative Care Trust Fund - Fund 905	8,857,406	11,135,772	11,266,877	11,036,562	10,340,974
(c)	Student Loan Funds 626, 851, 880, and 881	55,590,657	66,994,069	62,706,745	59,419,847	73,575,547
(d)	Pansey-Johnson-Travis Memorial State Gardens Trust - Fund 963	2,886	1,918	1,760	1,652	6,507

Exhibit B

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
CONSTITUTION OF MISSOURI
SCHEDULE OF TOTAL STATE REVENUES

Revenue Source Code	Type of Revenue	Year Ended June 30,				
		2001	2002	2003	2004	2005
	Revenue Source Exclusions:					
(e)	Federal funds	5,463,603,838	6,137,150,379	6,669,855,197	6,867,222,534	7,289,320,981
(f)	Proposition C sales and use tax/interest	692,451,605	709,382,490	704,112,027	732,649,103	757,578,980
(g)	Proposition A gas tax and license fee increases	168,620,787	170,708,961	173,084,326	178,223,865	182,053,225
(h)	Bond sales	286,102,087	413,049,331	398,337,310	262,829,539	3
(i)	Refunds	191,337,607	206,448,980	232,468,478	270,314,372	347,736,051
(j)	Interagency sales and receipts	149,938,062	137,258,133	135,158,341	138,231,448	138,622,309
(k)	Soil and water sales and use tax/interest	36,350,444	37,065,716	36,493,236	37,776,751	39,133,900
(l)	Parks sales and use tax/interest	36,180,356	36,709,317	36,215,514	37,557,571	38,773,670
(m)	Redeposit of investment principal	657,712	1,334,300	751,921	1,850,020	1,267,000
(n)	Outlawed checks	7,936,688	6,490,071	5,369,639	9,391,724	7,329,715
(o)	Redeposit of loan principal	18,370,532	85,653,860	36,197,102	102,229,254	67,167,370
(p)	Amendment 8 motor fuel tax to local governments	145,184,278	146,965,204	149,130,374	153,771,103	157,079,820
(q)	Bingo	3,912,467	3,414,691	3,352,994	2,996,554	2,798,154
(r)	Riverboat gambling	235,326,043	266,285,860	285,567,097	304,335,470	324,937,164
(s)	Redeposit of state funds	1,486,316	7,011,492	49,253	3,241	31,440
(t)	Loan proceeds	22,606,398	20,150,508	24,244,308	10,268,507	8,688,830
(u)	Conservation sales and use tax/interest	89,259,471	91,111,528	90,324,585	93,853,662	97,001,184
(v)	State employee expense account reimbursement	24,664	52,957	20,118	23,669	37,760
(w)	Recovery costs	349,175,348	187,032,686	181,232,299	163,653,275	158,226,200
(x)	Cost reimbursements	124,010,593	130,286,367	159,290,863	156,150,526	134,894,125
(y)	Canceled checks	871,889	828,552	5,509,977	4,151,727	5,801,505
(z)	Local match	1,477,834	1,494,703	925,923	2,147,704	3,942,050
(aa)	Proceeds of surplus property sales (Fund 710)	1,148,683	1,179,903	787,350	1,088,245	1,374,300
(bb)	Intergovernmental transfer program	268,558,021	366,225,540	144,251,000	30,326,961	26,875,705
(cc)	Department of Health WIC Rebates	-	-	28,832,678	32,459,831	33,432,384
	CMIA Interest payment to the federal government	2,273,825	1,883,460	881,304	726,910	420,661
	Agency remitted sales tax	367,471	455,808	448,461	456,704	416,977
	Abandoned funds claim payments	10,460,281	14,090,452	13,011,897	18,739,655	19,432,004
	Federal Interest	-	-	-	643	13,523,913
	Coding Errors	-	-	-	97	-
	Total exclusions	8,632,312,904	9,541,770,818	9,904,254,864	10,050,554,267	10,288,163,160
	Total revenues after exclusions	8,728,452,897	8,586,195,390	8,442,797,839	8,843,433,874	9,212,706,123
	Less expenditure refunds (Exhibit C)	(1,066,848,289)	(1,165,035,805)	(1,252,342,575)	(1,126,226,599)	(1,127,328,402)
	Add refundable tax credits:					
	Pharmaceutical	75,816,984	63,686,262	3,764,259	524,527	142,373
	Business facility	1,483,509	53,267	2,881,728	23,992	-
	Enterprise zone	733,949	210,268	204,766	123,464	347,009
	Brownfield jobs and investment	4,360	-	-	-	-
	BUILD	-	1,237,548	1,222,799	2,336,876	4,301,069
	Strategic initiative investment income	-	2,000,000	2,000,000	1,065,718	-
	Higher Education Scholarship Fund	-	-	4,532	-	-
	Total State Revenue	\$ 7,739,643,410	7,488,346,930	7,200,533,348	7,721,281,852	8,090,168,172

Exhibit C

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
 CONSTITUTION OF MISSOURI
 SCHEDULE OF EXPENDITURE REFUNDS

Object Code	Description	Year Ended June 30,				
		2001	2002	2003	2004	2005
	SAM II Expenditure Refunds:					
3200	Bond refunds	\$ 1,704,132	2,362,690	2,134,818	2,290,607	3,214,409
3206	Deposit and escrow refunds	180,613	39,506	30,245	127,838	98,848
3209	Tax Increment Financing	-	300	-	-	-
3212	Federal Share Grantee Salary refunds	-	-	-	-	836
3215	Debt offset refunds	6,613,007	6,503,824	9,013,469	6,582,994	6,269,213
3218	Motor vehicle license fee refunds	997,810	1,266,043	822,388	1,137,842	1,401,820
3221	Driver's license fee refunds	115,466	95,060	81,611	77,982	78,359
3224	Lottery Refunds	-	-	-	-	-
3227	License and permit fee refunds	60,554	145,279	133,055	84,732	160,866
3230	Registration fee refunds	34,000	48,932	32,881	7,622	16,984
3233	Regulatory fee refunds	18,699	40,860	58,540	45,944	237,543
3236	Inspection fee refunds	45,521	39,997	41,255	40,532	40,125
3239	Miscellaneous fee refunds	236,658	289,610	227,735	294,700	594,262
3242	Sales refunds	8,866	11,447	23,452	27,829	9,887
3245	Lease and rentals refunds	4,341	1,181	831	1,858	2,847
3248	Medical services refunds	1,214,171	444,748	1,754,840	1,876,972	2,571,969
3251	Contributions refunds	31	2,084	-	-	104,883
3254	Federal refunds	150,671	113,100	108,307	529,557	1,101,919
3257	Penalty and court award refunds	2,915	2,717	11,281	38,456	168,547
3260	Interagency billing refunds	1,040	-	-	150	-
3261	Receivable overpayment refunds	18,192	31,424	23,058	141,205	10,962
3266	Missouri consolidated check off refunds	115,917	124,171	134,732	124,184	165,968
3267	Deferred revenue refunds	1,921,736	2,098,000	3,191,677	1,753,349	1,092,357
3268	Liability account refunds	37	-	-	-	-
3269	Other refunds	2,716,548	2,812,240	43,296,930	1,778,662	1,708,679
3272	Sales and use tax protested refunds	303,503	10,713,486	114,220	391,490	37,141
3281	County foreign insurance tax refunds	9,266,473	9,730,261	38,961,200	24,125,058	15,863,307
3287	Worker's compensation insurance tax refunds	1,669,902	526,203	339,757	1,685,755	392,963
3290	Worker's compensation second injury insurance tax refunds	149,025	700,725	505,253	9,944	9,732
3293	Cigarette tax refunds	38,834	362,140	39,043	141,494	83,251
3296	Tobacco products tax refunds	1,147	1,066	1,031	9,302	100
3299	Aviation fuel tax refunds	15,012	157,965	57,536	52,827	68,327
3302	Local use tax refunds	1,088,202	-	-	-	-
3305	Special fuel (non-gas) tax refunds	28,073,426	24,090,962	24,444,448	25,536,357	30,388,502
3308	Fuel tax refunds	16,149,402	9,416,120	9,620,045	9,611,080	9,765,264
3311	Sales Tax refunds	-	35	164	5	44
3314	Food tax exemption refund	68,640	647	-	85,626	-
3317	General sales and use tax refunds	52,010,496	55,499,871	61,234,948	59,927,094	44,966,016
3326	Motor vehicle sales tax refunds	4,717,383	4,484,684	4,519,185	4,721,452	4,291,710
3329	Motor vehicle use tax refunds	1,054,069	900,698	868,913	961,458	1,002,748
3332	Conservation Sales Tax Refunds	-	-	-	-	-
3335	Boat tax refunds	7,069	7,879	5,436	6,645	7,257
3338	Individual tax refunds	606,892,031	705,921,126	771,972,675	763,201,964	752,279,117
3341	Senior citizens tax refunds	101,523,061	85,901,461	97,180,379	95,237,087	99,101,427
3342	Pharmaceutical tax refunds	75,816,984	63,686,262	3,737,102	524,527	496,516
3344	Corporation tax refunds	138,494,719	159,407,259	171,098,592	116,499,019	144,879,893
3347	Franchise tax refunds	9,870,716	14,133,414	3,467,003	460,301	691,213
3350	Inheritance tax refunds	3,195,179	2,845,993	3,054,540	5,458,449	2,816,253
3356	Other tax refunds	282,091	74,335	-	616,650	1,136,338
	Total SAM II Expenditure Refunds	\$ 1,066,848,289	1,165,035,805	1,252,342,575	1,126,226,599	1,127,328,402

BACKGROUND, METHODOLOGY, AND CONCLUSIONS

REVIEW OF ARTICLE X, SECTIONS 16 THROUGH 24,
CONSTITUTION OF MISSOURI
BACKGROUND, METHODOLOGY, AND CONCLUSIONS

The following identifies the various components of the amendment and the application of the amendment to state revenues.

Formula

Article X, Section 18(a) of the Constitution of Missouri establishes the revenue limit formula as follows:

Revenue limit for FY 20XX	= $\frac{\text{TSR in FY 1981}}{\text{CY 1979 Missouri personalincome (MPI)}}$ x	The greater of Missouri Personal Income (MPI) in the calendar year (CY) prior to the CY in which appropriations are made for FY 20XX or Average MPI for three CYs preceding FY 20XX.
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The formula is composed of two principal parts. The first part of the formula, the base year ratio (BYR), is as follows:

$$\frac{\text{TSR in FY 1981}}{\text{CY 1979 MPI}}$$

The application of this ratio to the second part of the formula (future years' MPI) ensures that no greater portion of a future year's personal income will be used to fund state government than was the case at the time of passage of the amendment. The MPI amounts used in the formula for the base year and subsequent years are reported by the U.S. Department of Commerce (DOC).

The OA-BP does not adjust the BYR for changes already made or for future changes or adjustments to this amount by DOC. Article X, Section 17(2) refers to ". . . total income . . . as defined and officially reported by" DOC. Even though the amendment does not specifically refer to such adjustments, this wording suggests that the BYR should be adjusted whenever CY 1979 MPI is adjusted by DOC. The use of the initial reporting of MPI does provide an unchanging BYR for future years, which provides at least two benefits. First, the state can more easily plan and make appropriate adjustments to stay under the revenue limit. Second, if the initial MPI is subsequently adjusted, retroactive refunds are a possibility. That is, an adjustment to MPI for any prior year (including the base year) could reduce the revenue limit for a prior year below that year's TSR, providing a refund where one previously was not due. Therefore, we find this approach reasonable so long as it is followed consistently.

As with the BYR, the OA-BP uses the MPI first officially published by DOC after the close of the CY to calculate the revenue limit for the applicable fiscal year. For the reasons expressed in the preceding paragraph, we find this approach reasonable so long as it also is followed consistently.

The BYR was calculated by the OA-BP as follows (dollar amounts are in billions):

$$\frac{\$2,232.204096}{\$ 39,581.0} = .05639584891$$

In its calculations of the revenue limit the OA-BP rounded the BYR to .056395.

Article X, Section 18(b) allows the state to exceed the revenue limit by 1 percent before a refund is due. Therefore, to determine the point at which the refund provision takes effect (the refund threshold) the revenue limit is adjusted upward by 1 percent. However, should TSR exceed the refund threshold, all revenues in excess of the revenue limit are subject to refund.

Adjustments

Article X, Section 18(d) provides that the revenue limit may be adjusted, ". . . if responsibility for funding a program or programs is transferred from one level of government to another, as a consequence of constitutional amendment . . . provided that the total revenue authorized for collection by both state and local governments does not exceed that amount which would have been authorized without such a change."

The OA-BP has adjusted the revenue limit for the transfer of deputy circuit clerks from the county payroll to the state payroll under Section 483.245, RSMo, which was effective on July 1, 1981. In past years, the SAO disagreed with this adjustment because state funding of these salaries was required by statute instead of by consequence of constitutional amendment. In addition, the Judicial Article Amendment was effective on August 3, 1976, which was prior to the time the Hancock Amendment was adopted by the voters on November 4, 1980. However, the Supreme Court ruled in its decision on January 27, 1998, that an adjustment to the revenue limit for the transfer of deputy circuit clerks from the county payroll to the state payroll is appropriate.

Composition of Total State Revenues

An integral part in applying the provisions of the amendment to state revenues is to determine what constitutes TSR. The amendment does not specify the methodology to be used to determine TSR. Consequently, procedures to calculate TSR have been established and certain decisions as to items that would be either included or excluded have been made, except for items ruled on by the Attorney General or the Missouri courts.

TSR includes all revenues recorded in the Statewide Accounting System for Missouri (SAM II) and receipted by the state treasurer, which may only be withdrawn pursuant to an appropriation or which stand appropriated by the Constitution of Missouri. Various funds not in the state treasury are not included in TSR. These funds include university local funds, local sales tax fund collections made by the Department of Revenue, various funds held in trust for inmates, patients, etc., and various quasi-governmental agencies such as the Board of Public Buildings, the Housing Development Commission, the Higher Education Loan Authority, the Health and Educational Facilities Authority, and the state's retirement systems. The Hancock Amendment states the composition of TSR is, "defined in the budget message of the governor for fiscal year 1980-81." The funds described above were not addressed in the governor's budget message for that year since the funds were not in the state treasury and were not appropriated. Thus, it seems reasonable to conclude that these funds should not be included in TSR.

From the revenue amounts obtained from SAM II, certain funds are entirely excluded to arrive at TSR, as defined in Article X, Section 17(1) of the constitution, as follows:

A. Lottery

In November 1984, the voters approved Article III, Section 39(b) of the constitution, which authorized the creation of the Missouri State Lottery. This provision states that revenues produced from the conduct of a state lottery shall not be a part of TSR. Since the voters approved the state lottery, all revenue and expenditure refunds related to the state lottery are excluded.

B. Alternative Care Trust Fund

The Alternative Care Trust Fund was established in 1989 under Section 210.560, RSMo. The Department of Social Services uses this fund to account for funds held in trust for the benefit of children who have been placed in the legal custody of the state. The Department of Corrections, Department of Mental Health, and the Division of Veteran's Affairs hold funds in trust for inmates and patients; however, these funds are not in the state treasury and are not included in TSR. Funds held in trust are not state funds since the funds remain the property of the individual. Since the Alternative Care Trust Fund does not account for state funds, it is excluded.

C. State Guaranty Student Loan Funds

Federal legislation passed in 1997 made changes in the accounting required for federal education loans. Starting in federal fiscal year 1998, the federal government considers all monies in these funds as property of the federal government or guaranty agency. As a result, the state excludes these funds held in trust.

D. Pansey Johnson-Travis Memorial State Gardens Trust Fund

The state received an endowment in 1987 for the purpose of establishing a memorial state garden. The state is to invest the endowment for 100 years before using the funds to establish the memorial garden. Since the funds cannot be appropriated until 2087, the revenue is excluded from TSR.

From the revenue amounts obtained from SAM II, certain types of revenues are excluded to arrive at TSR, as defined in Article X, Section 17(1) of the constitution, as follows:

E. Federal Funds

Article X, Section 17 specifically excludes federal funds.

F. Proposition C Sales and Use Tax\Interest

In November 1982, the voters approved Proposition C, which increased the state sales and use tax by 1 percent. Since Proposition C received direct voter approval as provided in Article X, Section 16, the proceeds from the additional 1 percent sales and use tax, including any interest earned on the investment of such taxes, are excluded.

G. Proposition A Gas Tax and License Fee Increases

In April 1987, the voters approved Proposition A, which increased the motor fuel tax by four cents per gallon and increased the annual registration fee for certain motor vehicles, effective July 1, 1987. Since the increase in tax and fees received direct voter approval, these revenues are excluded.

H. Bond Sales

An attorney general opinion concluded that proceeds of the state's general obligation bonds were not to be included in TSR.

I. Refunds

Refunds received due to the overpayment of obligations by the state, as identified by certain revenue source codes, are excluded.

J. Interagency Sales and Receipts

Since interagency transactions do not generate additional revenue for the state as a whole, interagency sales and receipts, as identified by certain revenue source codes, are excluded.

**K. Soil and Water Sales and Use Tax\Interest
and**

L. Parks Sales and Use Tax\Interest

In August 1984, the voters approved a one-tenth of 1 percent sales tax for soil and water conservation and state parks. Article IV, Section 47(c) states that the additional revenue provided by the tax shall not be part of TSR. Since the voters approved the sales tax, the sales tax and any interest earned on the investment of the balance in these funds are excluded.

M. Redeposit of Investment Principal

The redeposit of investment principal is excluded.

N. Outlawed Checks

Outlawed checks, which are state checks that were not cashed by the payee within the time allowed, are redeposited in the state treasury and are excluded.

O. Redeposit of Loan Principal

Redeposits of loan principal are excluded.

P. Amendment 8 Motor Fuel Tax to Local Governments

In August 1992, the voters approved an amendment to Article IV, Section 30(a) which revised the apportionment of the motor fuel tax. In addition, the amendment provided that beginning July 1, 1993, the net proceeds of fuel taxes allocated to local governments is

excluded from TSR. Since the voters approved this revised allocation of the fuel tax, the fuel tax allocated to local governments is excluded.

Q. Bingo

The August 1992 amendment to Article III, Section 39(d) related to gaming activities also applies to bingo games, in that all state revenues derived from the conduct of gaming activities shall be appropriated beginning July 1, 1993, solely for public education and shall not be included in TSR. Section 313.007, RSMo, requires the bingo tax to be deposited in the Bingo Proceeds for Education Fund. The bingo tax, certain fees, and the interest earned on the investment of the fund are excluded from TSR.

R. Riverboat Gambling

In August 1992, the voters approved an amendment to Article III, Section 39(d) of the Missouri Constitution. This constitutional amendment requires that all state gaming revenues must be appropriated for public education and excludes these revenues from TSR.

In 1993, the Missouri General Assembly enacted Senate Bills 10 and 11. This comprehensive gaming legislation established riverboat gaming in the state. This law repealed House Bill 149 related to riverboat gaming which had been enacted by voters as Proposition A in November 1992.

Under Senate Bills 10 and 11, the legislature imposed a 20 percent tax on adjusted gross receipts from gambling games. The state treats 90 percent of this revenue as state gaming revenues under Article III, Section 39(d) and earmarks the revenues to the Gaming Proceeds for Education Fund. The remaining 10 percent of this revenue is allocated to the home dock city or county. Under Article III, Section 39(d) of the Missouri Constitution, the 90 percent portion of the adjusted gross receipts tax is exempted from TSR. The remaining 10 percent portion of the adjusted gross receipts tax is also excluded from TSR because these funds are distributed by the Department of Revenue without deposit in the state treasury and without appropriation.

Under Senate Bills 10 and 11, the legislature also established a Gaming Commission Fund in the state treasury and authorized gaming commission license fees, penalties, administrative fees, reimbursements, and admission fees to be deposited in this fund and expended pursuant to state appropriation for various purposes.

On November 24, 1998, the Missouri Court of Appeals, Western District entered its final decision in Kelly v. Hanson, et. al., 984 S.W. 2d 540 (Mo. 1998). The Missouri Court of Appeals, Western District ruled that revenue from the one dollar portion of the state imposed two dollar admission fee that is remitted to the "home dock city or county" is not included in TSR, while the revenue from the payments to the state to recoup public safety and regulatory enforcement costs is included in TSR.

S. Redeposit of State Funds

The redeposit of state funds for which a state expenditure was originally incurred, such as from closing a petty cash fund and returning the funds to the state treasury, is excluded.

T. Loan Proceeds

The state receives loans or advancements from the federal government, local governments, or private sources, to finance the acceleration of state projects. Since the loans must be repaid in the future, they are excluded.

U. Conservation Sales and Use Tax/Interest

Pursuant to the Supreme Court decision in Conservation Federation of Missouri, et. al., v. Richard Hanson, et. al., 994 S.W. 2d 27 (Mo. Banc. 1999), the revenue derived from the one-eighth of one percent conservation sales tax, and any interest earned on the investment of these funds, are excluded.

V. State Employee Expense Reimbursement

The state receives reimbursement from private individuals, firms, partnerships, corporations, etc. for state employee expenses incurred in providing testimony in a court of law, for which the employee has already been reimbursed by a state expense account. These reimbursements are excluded.

W. Recovery Costs

Monies received from others for costs incurred by the state or to be incurred by the state are excluded.

X. Cost Reimbursements

Monies received from other governments for reimbursements of costs incurred by the state are excluded.

Regarding items W. and X., the state has excluded from TSR receipts for cost reimbursements since fiscal year 1982 and receipts for recovery costs since fiscal year 1988. Although the constitution does not specifically mention cost reimbursements and recovery costs and they have not been the subject of a court decision, we have agreed with such exclusions because from an accounting standpoint, they would not be considered revenue.

Y. Canceled Checks

Receipts derived from the redeposit of state checks that have been canceled are excluded.

Z. Local Match

Local governments provided funds to the state to use as a local match to qualify for federal or state funding. Since these local match funds are not state funds, they are excluded.

AA. Proceeds of Surplus Property Sales

The proceeds from some sales of surplus property are initially deposited into the Proceeds of Surplus Property Sales Fund then they are disbursed from this fund to the state fund that owned the property. To avoid counting the same receipts in TSR twice, the state excludes amounts disbursed from the Proceeds of Surplus Property Sales Fund to other state funds.

BB. Intergovernmental Transfer Program

Starting in fiscal year 2001, the state participated in the Medicaid intergovernmental transfer (IGT) program. Under the IGT program the state was able to receive additional federal Medicaid matching funds based on enhanced payments to some government operated health care providers. The state made the enhanced payments to the providers and, after the state claimed the federal matching funds, the providers returned the enhanced payments to the state. Because these funds were simply returned to the state, similar to a refund, they are excluded from TSR.

CC. WIC Rebates

The Department of Health and Senior Services (DHSS) issues food instruments for the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC) to program participants who use them to obtain formula at participating grocery stores and pharmacies. The participating grocery stores and pharmacies then redeem the food instruments. The food instruments are processed through the Federal Reserve System and the WIC program is charged for the food instruments presented. The DHSS records the redeemed food instruments and sends a monthly invoice to Mead Johnson who then rebates the federal monies to the state.

Cash Management Improvement Act

The state has to enter into an agreement with the federal government which governs the timing of when the state can obtain federal grant monies. If the state holds federal funds longer than needed, the state has to reimburse the federal government for interest earnings. Since the interest was earned on federal funds and has to be returned to the federal government, it is excluded from TSR.

Abandoned Funds Claim Payments

Under Section 447.543, RSMo, the state receives abandoned funds from various sources (banks, businesses, insurance companies, etc.). These funds are placed in the state Abandoned Fund Account. The rightful owner may receive these funds if properly claimed. The state includes the receipts in TSR. Starting in fiscal year 1998, the state excludes from TSR amounts paid to the rightful owner.

Agency Remitted Sales Tax

Some state agencies sell goods or services to the public and collect sales tax. To avoid counting the same receipts in TSR twice, the sales tax remitted by state agencies to the Department of Revenue is excluded from TSR.

Expenditure Refunds

According to Article X, Section 17(1), total state revenue shall exclude the amount of any credits based on actual tax liabilities. Refunds disbursed due to the excess collection by the state of liabilities owed the state, largely tax refunds, as identified by certain expenditure object codes are excluded. The method used to determine expenditure refunds is not specified in the amendment. Although the OA-BP initially used the appropriation basis to determine expenditures refunds, during fiscal year 1984, the OA-BP changed to the cash basis. The SAO had consistently used the appropriation basis to measure refunds. As a result, a difference existed. However, in its decision of January 27, 1998, the Supreme Court indicated that a cash basis of accounting should be used to determine compliance with the Hancock Amendment. As a result, the SAO changed its calculation of expenditure refunds to the cash basis.

Tobacco Master Settlement Agreement Proceeds

The OA-BP has excluded \$144,964,644 received from tobacco companies during fiscal year 2005. The Master Settlement Agreement was entered into effective November 23, 1998, between the major cigarette manufacturers and the states' Attorney Generals. Missouri received its first payments under the settlement agreement during fiscal year 2001, which totaled \$338,230,653 and future payments from tobacco companies extend in perpetuity. The payment received in 2001 included amounts under the settlement agreement for 1998, 2000, and 2001. The settlement agreement did not require a payment for 1999. Fiscal years 2002, 2003, and 2004 payments were \$172,679,543, \$166,895,179, and \$142,829,966, respectively. The amounts received were coded in the state's accounting system to revenue source code 1806 - recovery costs, which is excluded from TSR. Recovery costs are defined under revenue source code 1806 as, *"all monies received from others for costs incurred or to be incurred by the state."* The OA-BP believes these receipts should be excluded from TSR because the amounts represent a recovery of health care costs previously incurred or to be incurred by the state attributable to smoking.

Public information was not readily available to determine if the amounts recovered from the tobacco companies under the master settlement agreement were more or less than the health care costs incurred. In our audit for 2001, we reviewed three extensive research projects conducted by experts. We limited our analysis to Medicaid costs incurred in fiscal years 1998 through 2001. We did not consider Medicaid costs from past years prior to 1998. In addition, we did not consider other costs incurred by the state, such as employee health care costs attributable to smoking. These three research projects showed that Medicaid costs attributable to smoking were higher than the amount the state received from the tobacco companies under the settlement agreement. As a result, in our 2001 report we concluded it was proper for the OA-BP to exclude the amounts received from the tobacco companies as a recovery cost.

A study, "Tobacco Damages to the State of Missouri" by Glenn W. Harrison, was commissioned by the Missouri Attorney General's Office for use in a lawsuit against tobacco companies filed May 12, 1997. This lawsuit was dropped because Missouri joined a consortium of states in December 1998, in the Master Settlement Agreement with the tobacco companies. As a result, the Harrison study was not fully completed. However, the draft report provided an estimate of Medicaid costs attributable to smoking for 1970 through 2007 and an estimate of state employee health care costs attributable to smoking for 1970 through 1997. This study estimates that state costs attributable to smoking were higher than the amount the state received.

Compliance with Article X, Section 18(e)

Article X, Section 18(e) imposes an additional revenue limit, which states the general assembly shall not increase taxes or fees in any fiscal year without voter approval that in total produce new annual revenues greater than \$50 million adjusted annually by the percentage change in the personal income of Missouri for the second previous year, or one percent of total state revenues for the second fiscal year prior to the general assembly's action, whichever is less. For fiscal year 2005, the OA-BP calculated these limits at \$77.3 million for the Missouri Personal Income amount and \$72 million for the one percent of total state revenues amount.

For fiscal year 2005, the OA-BP has determined the net tax and fee increases as a result of legislative actions totaled \$39.1 million, which were less than the limits noted above. As a result, it appears the state complied with Article X, Section 18(e).

APPENDIX

ARTICLE X, SECTIONS 16 THROUGH 24,
CONSTITUTION OF MISSOURI
(ADOPTED NOVEMBER 4, 1980, AMENDED APRIL 2, 1996*)

TAXATION

Section 16. Taxes and state spending to be limited--state to support certain local activities--emergency spending and bond payments to be authorized. Property taxes and other local taxes and state taxation and spending may not be increased above the limitations specified herein without direct voter approval as provided by this constitution. The state is prohibited from requiring any new or expanded activities by counties and other political subdivisions without full state financing, or from shifting the tax burden to counties and other political subdivisions. A provision for emergency conditions is established and the repayment of voter approved bonded indebtedness is guaranteed. Implementation of this section is specified in sections 17 through 24, inclusive of this article.

Section 17. Definitions. As used in sections 16 through 24 of Article X:

- (1) **"Total state revenues"** includes all general and special revenues, license and fees, excluding federal funds, as defined in the budget message of the governor for fiscal year 1980-1981. Total state revenues shall exclude the amount of any credits based on actual tax liabilities or the imputed tax components of rental payments, but shall include the amount of any credits not related to actual tax liabilities.
- (2) **"Personal income of Missouri"** is the total income received by persons in Missouri from all sources, as defined and officially reported by the United States Department of Commerce or its successor agency.
- (3) **"General price level"** means the Consumer Price Index for All Urban Consumers for the United States, or its successor publications, as defined and officially reported by the United States Department of Labor, or its successor agency.

Section 18. Limitation on taxes which may be imposed by general assembly--exclusions--refund of excess revenue--adjustments authorized.

(a). There is hereby established a limit on the total amount of taxes which may be imposed by the general assembly in any fiscal year on the taxpayers of this state. Effective with fiscal year 1981-1982, and for each fiscal year thereafter, the general assembly shall not impose taxes of any kind which, together with all other revenues of the state, federal funds excluded, exceed the revenue limit established in this section. The revenue limit shall be calculated for each fiscal year and shall be equal to the product of the ratio of total state revenues in fiscal year 1980-1981 divided by the personal income of Missouri in calendar year 1979 multiplied by the personal income of Missouri in either the calendar year prior to the calendar year in which appropriations for the fiscal year for which the calculation is being made, or the average of personal income of Missouri in the previous three calendar years, whichever is greater.

(b). For any fiscal year in the event that total state revenues exceed the revenue limit established in this section by one percent or more, the excess revenues shall be refunded pro rata based on the liability reported on the Missouri state income tax (or its successor tax or taxes) annual

returns filed following the close of such fiscal year. If the excess is less than one percent, this excess shall be transferred to the general revenue fund.

(c). The revenue limitation established in this section shall not apply to taxes imposed for the payment of principal and interest on bonds, approved by the voters and authorized under the provisions of this constitution.

(d). If responsibility for funding a program or programs is transferred from one level of government to another, as a consequence of constitutional amendment, the state revenue and spending limits may be adjusted to accommodate such change, provided that the total revenue authorized for collection by both state and local governments does not exceed that amount which would have been authorized without such change.

(e). Voter approval required for taxes or fees, when, exceptions--compliance procedure.

1. In addition to the revenue limit imposed by section 18 of this article, the general assembly in any fiscal year shall not increase taxes or fees without voter approval that in total produce new annual revenues greater than either fifty million dollars adjusted annually by the percentage change in the personal income of Missouri for the second previous fiscal year, or one percent of total state revenues for the second fiscal year prior to the general assembly's action, whichever is less. In the event that an individual or series of tax or fee increases exceed the ceiling established in this subsection, the taxes or fees shall be submitted by the general assembly to a public vote starting with the largest increase in the given year, and including all increases in descending order, until the aggregate of the remaining increases and decreases is less than the ceiling provided in this subsection.

2. The term "new annual revenues" means the net increase in annual revenues produced by the total of all tax or fee increases enacted by the general assembly in a fiscal year, less applicable refunds and less all contemporaneously occurring tax or fee reductions in that same fiscal year, and shall not include interest earnings on the proceeds of the tax or fee increase. For purposes of this calculation, "enacted by the general assembly" shall include any and all bills that are truly agreed to and finally passed within that fiscal year, except bills vetoed by the governor and not overridden by the general assembly. Each individual tax or fee increase shall be measured by the estimated new annual revenues collected during the first fiscal year that it is fully effective. The term "increase taxes or fees" means any law or laws passed by the general assembly after May 2, 1996, that increase the rate of an existing tax or fee, impose a new tax or fee, or broaden the scope of a tax or fee to include additional class of property, activity, or income, but shall not include the extension of an existing tax or fee which was set to expire.

3. In the event of an emergency, the general assembly may increase taxes, licenses or fees for one year beyond the limit in this subsection under the same procedure specified in section 19 of this article.

4. Compliance with the limit in this section shall be measured by calculating the aggregate actual new annual revenues produced in the first fiscal year that each individual tax or fee change is fully effective.

5. Any taxpayer or statewide elected official may bring an action under the provisions of section 23 of this article to enforce compliance with the provisions of this section. The Missouri supreme court shall have original jurisdiction to hear any challenge brought by any statewide elected official to enforce this section. In such enforcement actions, the court shall invalidate the

taxes and fees which should have received a public vote as defined in subsection 1 of this section. The court shall order remedies of the amount of revenue collected in excess of the limit in this subsection as the court finds appropriate in order to allow such excess amounts to be refunded or to reduce taxes and/or fees in the future to offset the excess monies collected.

Section 19. Limits may be exceeded, when, how. The revenue limit of section 18 of this article may be exceeded only if all of the following conditions are met: (1) The governor requests the general assembly to declare an emergency; (2) the request is specific as to the nature of the emergency, the dollar amount of the emergency, and the method by which the emergency will be funded; and (3) the general assembly thereafter declares an emergency in accordance with the specifics of the governor's request by a majority vote for fiscal year 1981-1982, thereafter a two-thirds vote of the members elected to and serving in each house. The emergency must be declared in accordance with this section prior to incurring any of the expenses which constitute the emergency request. The revenue limit may be exceeded only during the fiscal year for which the emergency is declared. In no event shall any part of the amount representing a refund under section 18 of this article be the subject of an emergency request.

Section 20. Limitation on state expenses. No expenses of state government shall be incurred in any fiscal year which exceed the sum of the revenue limit established in sections 18 and 19 of this article plus federal funds and any surplus from a previous fiscal year.

Section 21. State support to local governments not to be reduced, additional activities and services not to be imposed without full state funding. The state is hereby prohibited from reducing the state financed proportion of the costs of any existing activity or service required of counties and other political subdivisions. A new activity or service or an increase in the level of any activity or service beyond that required by existing law shall not be required by the general assembly or any state agency of counties or other political subdivision, unless a state appropriation is made and disbursed to pay the county or other political subdivision for any increased costs.

Section 22. Political subdivisions to receive voter approval for increases in taxes and fees--rollbacks may be required--limitation not applicable to taxes for bonds.

(a). Counties and other political subdivisions are hereby prohibited from levying any tax, license or fees, not authorized by law, charter or self-enforcing provisions of the constitution when this section is adopted or from increasing the current levy of an existing tax, license or fees, above that current levy authorized by law or charter when this section is adopted without the approval of the required majority of the qualified voters of that county or other political subdivision voting thereon. If the definition of the base of an existing tax, license or fees, is broadened, the maximum authorized current levy of taxation on the new base in each county or other political subdivision shall be reduced to yield the same estimated gross revenue as on the prior base. If the assessed valuation of property as finally equalized, excluding the value of new construction and improvements, increases by a larger percentage than the increase in the general price level from the previous year, the maximum authorized current levy applied thereto in each county or other political subdivision shall be reduced to yield the same gross revenue from existing property, adjusted for changes in the general price level, as could have been collected at the existing authorized levy on the prior assessed value.

(b). The limitations of this section shall not apply to taxes imposed for the payment of principal and interest on bonds or other evidence of indebtedness or for the payment of assessments on contract obligations in anticipation of which bonds are issued which were authorized prior to the effective date of this section.

Section 23. Taxpayers may bring actions for interpretations of limitations. Notwithstanding other provisions of this constitution or other law, any taxpayer of the state, county or other political subdivision shall have standing to bring suit in a circuit court of proper venue and additionally, when the state is involved, in the Missouri supreme court, to enforce the provisions of sections 16 through 22, inclusive, of this article and, if the suit is sustained, shall receive from the applicable unit of government his costs, including reasonable attorneys' fees incurred in maintaining such suit.

Section 24. Voter approval requirements not exclusive--self-enforceability.

(a). The provisions for voter approval contained in sections 16 through 23, inclusive, of this article do not abrogate and are in addition to other provisions of the constitution requiring voter approval to incur bonded indebtedness and to authorize certain taxes.

(b). The provisions contained in sections 16 through 23, inclusive, of this article are self-enforcing; provided, however, that the general assembly may enact laws implementing such provisions which are not inconsistent with the purposes of said sections.

* The 1996 amendment added Section 18(e).